

REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

With regard to the Examiner's requirement for the submission of a Certified copy of the German Application, applicant respectfully notes that this will be submitted in due course in compliance with the provisions of 35 U.S.C. §119(b).

Applicant notes the Examiner's objections to the drawings under 37 C.F.R. §1.83(a), in that the Examiner requests that the components for adjusting the sensitivity of an optronic fuse system, which is set forth in the preamble portion of Claim 1, consists of a transmitter, receiver, an amplifier chain and a sensor connected ahead of a receiver must be shown in the drawings.

However, applicant respectfully submits that the components, which are set forth in the preamble of Claim 1 are essentially elements of a system which is known in the technology, and consequently, inasmuch as the claims are primarily directed to a method of effecting a calibration cycle, it is an unnecessary requirement to submit new drawings showing these known components. In particular, the aspects of utilizing these known components in order to provide the unique calibration cycle for adjusting the sensitivity of an optronic fuse system, are clearly described in the specification and would be readily apparent to one skilled in this technology. The invention resides in the unique method, as set forth in the amended claims, and consequently, no further clarification of the components is deemed to be necessary.

Accordingly, applicant respectfully requests that the Examiner reconsider the requirement for an amended drawing sheet inasmuch as the specification is quite clear in elucidating a system for implementing the novel method pursuant to the inventive concept. Accordingly, reconsideration of the requirement of a further drawing sheet for drawing amendment by the Examiner is earnestly solicited.

Applicant further notes the Examiner's rejection of Claims 1-7 under 35 U.S.C. §112, second paragraph and, apparently, the claims require further definition. However, the claims are deemed to be clear in regard to formal aspects, and further, a more appropriate amendment has been taken in Claim 1 to obviate the terminology. The medium measured value which is set forth in the dependent claims is, as the Examiner correctly indicated, a medium gain factor and is correctly also treated equivalent to a measured signal level.

Furthermore, applicant notes the Examiner's rejection of Claims 1-5 and 7 under 35 U.S.C. §102(b) as being anticipated by Nourrcier, Jr., U.S. Patent No. 5,638,163, as detailed in the Office Action.

Applicant further notes the rejection of Claim 6 under 35 U.S.C. §103(a), as being unpatentable over Nourrcier, Jr. in view of Lau, et al., U.S. Patent No. 4,153,835, as also detailed in the Office Action.

Accordingly, upon careful consideration of the prior art, and in order to place the present application into substantial order for allowance, applicant has incorporated the limitations of Claims 3, 4 and 6 into Claim 1, with the remaining claims, Claims 2, 5 and 7, being dependent from the more restrictive Claim 1.

In particular, in the newly presented claims, the terminology, which has also taken cognizance of the formal claim rejection under 35 U.S.C. §112, there is provided a method in

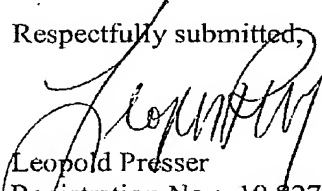
which is not applicable in Nourrcier, Jr. inasmuch as this particular publication does not disclose any compensation of a temperature change. This is an important aspect in adjusting the sensitivity of an optronic fuse system, and Nourrcier, Jr. is incapable of providing the method in effecting the calibration and cycle. Consequently, newly present Claim 1, as amended herein, sets forth clear distinctions over Nourrcier, Jr.

Similarly, Lau, et al., U.S. Patent No. 4,153,835 fails to disclose the feature of Claim 3, which has been incorporated into Claim 1, wherein the sensor comprises an avalanche photodiode and having a bias voltage which is set by the controller.

Consequently, even combining Lau, et al. with Nourrcier, Jr. would not lead to the present invention, as set forth in the amended claims.

Accordingly, inasmuch as applicant has considered all of the grounds of rejection and the amendments are deemed to clearly and patentably distinguish over the art, irrespective as to whether the latter is considered singly or in combination, the early and favorable reconsideration of the application and issuance of the Notice of Allowance by the Examiner is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,

  
Leopold Presser  
Registration No.: 19,827  
Attorney for Applicant

Scully, Scott, Murphy & Presser  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343  
LP:jy